



U.S. House of Representatives Committee on the Judiciary F. James Sensenbrenner, Jr., Chairman

<http://judiciary.house.gov>

News Advisory

For immediate release
December 6, 2005

Contact: Jeff Lungren/Terry Shawn
202-225-2492

Sensenbrenner Introduces Immigration Reform Bill

Legislation Aims to Prevent Illegal Immigration by Controlling Our Borders and Holding People Accountable

WASHINGTON, D.C. – House Judiciary Committee Chairman F. James Sensenbrenner, Jr. (R-Wis.) today introduced legislation that aims to prevent illegal immigration by addressing the hiring of illegal immigrants and gaining control of our borders. H.R. 4437, the Border Protection, Antiterrorism, and Illegal Immigration Control Act of 2005, aims to reestablish respect for immigration laws and to hold people accountable by cracking down on employers hiring illegal workers, smugglers trafficking in human beings as well as confronting the emerging problem of alien gangs. H.R. 4437 also incorporates the border security legislation approved by the Homeland Security Committee last month, H.R. 4312. H.R. 4437 will be considered Thursday by the House Judiciary Committee with House consideration expected next week.

Chairman Sensenbrenner said, "It's my hope this legislative effort will not only help regain control of our borders and prevent illegal immigration, but will also help strengthen and promote our compassionate and welcoming legal immigration system. Everyone recognizes our current immigration system is broken, plagued by insufficient immigration enforcement and border security resources, and a wholesale disregard for our immigration laws."

"Fixing these enormous problems will require a comprehensive effort addressing alien removal, worksite enforcement, the hiring of illegal workers, border security and interior immigration enforcement as well as ensuring America's labor needs are met. This legislation, crafted in consultation with the House Leadership, the Homeland Security Committee, and the Bush Administration, addresses many of these key issues. I anticipate this legislation will serve as a solid legislative foundation for tackling problems with our immigration system," added Chairman Sensenbrenner.

The text of H.R. 4437 is available at

http://judiciary.house.gov/media/pdfs/SENSEN_104_XML.pdf . A section by section summary is available at <http://judiciary.house.gov/media/pdfs/immbillsection.pdf> . Information on the Homeland Security Committee's provisions from H.R. 4312 can be found at <http://homeland.house.gov/files/Border%20Bill%20Post-Markup111705.pdf> .

Some Highlights of H.R. 4437 (excluding Homeland Security Committee provisions from H.R. 4312):

- **Combat Hiring of Illegal Workers** – Institutes an employment eligibility verification system in which employers will check the Social Security numbers and alien identification numbers provided by employees against Social Security Administration and Department of Homeland Security (DHS) records in order to weed out fraudulent numbers and ensure that their employees are not working in the U.S. illegally. Modifies provisions from H.R. 19 introduced by Rep. Ken Calvert (R-Calif.) by building upon a voluntary pilot program currently in use. Increases civil and criminal penalties for knowingly hiring or employing an illegal worker.
- **Increase Penalties for Alien Smuggling** – Under current law, individuals convicted of alien smuggling crimes often receive lenient sentences. These provisions would greatly increase criminal penalties for alien smuggling by establishing mandatory minimum sentences, among other things. These provisions were recommended by a panel of border-area U.S. Attorneys to make it easier to deport smugglers and illegal entrants.
- **Crackdown on Alien Gang Members** – This provision incorporates H.R. 2933, introduced by Rep. Randy Forbes (R-Va.). This provision would render alien street gang members inadmissible and deportable, and authorize the Attorney General to designate groups or associations as criminal street gangs if they meet certain criteria. Also mandates the detention of alien street gang members and bars alien gang members from receiving humanitarian benefits.
- **Increase Penalties for Aliens Reentering Illegally** – Incorporates H.R. 3150, introduced by Rep. Darrell Issa (R-Calif.) that would stiffen penalties, including establishing mandatory minimum sentences, for aliens who reenter the United States after having been removed.
- **Aggravated Felony Provisions** – The provisions would make aggravated felons inadmissible and would bar refugees and asylees with aggravated felony convictions from receiving green cards.
- **Cooperation between Border Sheriffs and Federal Law Enforcement** – Based upon Rep. Culberson's (R-Tex.) "Border Law Enforcement Act of 2005" (H.R. 4360), authorizes and reimburses local sheriffs in the 29 counties along the southern border to enforce the immigration laws if authorized under a separate written agreement pursuant to

section 287(g) of the Immigration and Nationality Act (INA), and to transfer illegal aliens to federal custody. It also specifically reimburses those Sheriffs for costs associated with detaining illegal aliens whom they arrest until they are able to hand them over to federal authorities. This provision deems aliens in Sheriffs' custody to be in federal custody once determined to be in an unlawful status.

- **Increasing DHS Authority for Long-Term Detention** – The U.S. Supreme Court has limited DHS's ability to detain dangerous aliens with decisions that have forced hundreds of dangerous aliens, such as murderers, to be released into American communities. One alien released because of these Court decisions later shot a state trooper in the head. This change would amend the INA to allow for continued detention of aliens who pose a threat to Americans.
- **Renewing DHS Authority to Use Reinstatement of Removal Process** – In *Morales-Izquierdo v. Ashcroft*, the Ninth Circuit recently invalidated DHS reinstatement of removal regulations, which allows DHS to remove an alien previously deported by simply reinstating the alien's prior order of removal. The House Judiciary Committee has been told that this procedure was used in some 90,000 cases last year, and the Ninth Circuit's decision affects 40% of removals in the Ninth Circuit. This amendment to the INA would clarify DHS's authority to reinstate orders.
- **Barring Terrorist Aliens from Naturalization** – This provision bars aliens who are terrorists or security risks from becoming U.S. citizens.
- **Deportation for DUI** – Render multiple DUI offenses a deportable offense for aliens.

#####